

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

6111 RIDGEWAY GROUP, LLC,)	
)	
Plaintiff,)	
)	
v.)	No. 2:15-cv-02561-STA-cgc
)	
PHILADELPHIA INDEMNITY)	
INSURANCE COMPANY also doing)	
business as PHILADELPHIA)	
INSURANCE COMPANIES, and)	
CUNNINGHAM LINDSEY U.S., INC.,)	
)	
Defendants.)	

**DEFENDANT CUNNINGHAM LINDSEY U.S., INC.'S
PARTIAL MOTION TO DISMISS**

Defendant Cunningham Lindsey U.S., Inc. ("Defendant" or "Cunningham Lindsey"), by and through its counsel and pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, respectfully moves the Court for an order dismissing Plaintiff's claim against Cunningham Lindsey for breach of the common law duty of good faith and fair dealing. As grounds for its motion, Cunningham Lindsey submits that Plaintiff failed to state a claim upon which relief can be granted because Plaintiff did not and cannot allege that Cunningham Lindsey is a party to or breached any contract or agreement with Plaintiff. In support of its motion, Cunningham Lindsey relies on the memorandum of law filed contemporaneously herewith and the entire record in this cause.

Respectfully submitted,

s/ Mason W. Wilson

Mason W. Wilson (#23986)
Steven W. Fulgham (#32116)
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC
165 Madison Avenue, Suite 2000
Memphis, Tennessee 38103
(901) 526-2000
mwwilson@bakerdonelson.com

*Attorneys for Defendant
Cunningham Lindsey U.S., Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on September 1, 2015, I filed the foregoing via the Court's electronic filing system, which sent notice to the following:

Bradford D. Box
Brandon W. Reedy
RAINEY, KIZER, REVIERE & BELL, PLC
209 East Main Street
Jackson, Tennessee 38302
Attorneys for Defendant Philadelphia Indemnity Insurance Company

S. Joshua Kahane
GLANKLER BROWN, PLLC
6000 Poplar Avenue, Suite 400
Memphis, Tennessee 38119
Attorney for Plaintiff 6111 Ridgeway Group, LLC

s/ Mason W. Wilson